

MINUTES OF BENTON COUNTY QUORUM COURT

August 27, 2015

A regular meeting of the Benton County Quorum Court was held on Thursday, August 27, 2015 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Bob Clinard called the meeting to order.

County Clerk Tena O'Brien called roll as follows:

15 JPs Present: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Jeff Dixon, Sheriff's Office Chaplain and a pastor at Word of Life Fellowship church, led the prayer.

CHANGES TO THE AGENDA:

None

MINUTES:

JP J. Harrison made motion to approve the minutes of the July 23, 2015 Quorum Court meeting as distributed, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

- Judge Clinard's preliminary discussions with design and construction professionals on site information and cost estimates as to the downtown Court Facility are complete. He will have a report later in this meeting.
- Highway access at Herbaugh Rd. and to the Bentonville West High School location in Centerton is complete. A turn lane in both directions has been put in. They are continuing to discuss the Keller and 102 intersection. The state has approved a double turn lane at this intersection. It is

within the City of Centerton so the County may not be involved but they are working with the City of Centerton to make the intersection safer.

- Great River Engineering is working on the War Eagle Bridge planning. They are going to be onsite next week to do the inspection of the bridge.
- The Old Courthouse exterior and interior renovations per the Walton Foundation Grant have been designed and the work has begun at the site. They are taking bids on the interior demolition next week. Winter Moving and Storage came in \$9,841 under their estimate of moving the Prosecuting Attorney to the Massey building.
- Treanor Architects' work with Benton County on the County Jail expansion and long term planning will begin Monday, when the Quorum Court approves the funding. A contract has been signed.
- The Benton County Jail replacement of 170 ton and 80 ton rooftop cooling towers is complete. Contracts have been let to replace two other rooftop units and interior plumbing work in the Kitchen area.
- The Road Department is making great progress due to the favorable weather. Decco Contractors has come in \$25,000 under budget on paving Peach Orchard Road. Lee Town Road overlay starts Monday.
- The Veterans Service Office has completed 1,354 consultations through July, made 1,190 referrals to other agencies, and participated in 42 veterans outreach programs. \$1,118,654 in new benefits has accrued to our veterans and families this year.

The August Property Disposal Report was posted on the dashboard – a Dodge Charger from the Sheriff's Office was sold to Northwest Arkansas Community College.

Judge Clinard stated that the final recommendation on the Courthouse Facility is also on the dashboard. He stated that JP Allen would schedule a special meeting of the Finance Committee to discuss the courthouse facility, and he would approve either the Highway 102 site or the downtown option. He added, however, that he would only approve the downtown option if there is a freestanding, self-contained new justice facility at the corner of 2nd and B Street, because he does not want to attach a new structure to an old facility.

COMMITTEE REPORTS:

JP Allen stated that two Finance Committee meetings were held in August, and several of the items on tonight's Quorum Court agenda came through the Finance Committee and then on to the Committee of the Whole. He said that last month's sales tax revenue was down 4% over the prior year, but this month there has been 13.6% in sales tax collection versus the prior year, and this shows that the local economy is doing well. He added that the county is right on target with expenditures, and that courthouse financing has been discussed and this will continue, as well as discussion on Judge Clinard's proposal on the location of the new facility.

JP K. Harrison stated that the Legislative Committee met and that John Sudduth presented some ordinances adopting the revised building codes, which were forwarded to the September Committee of the Whole. He said they also looked at a vehicle policy, but he is asking for it to be tabled so that the

elected officials will have time to review it and work on it before the October Committee of the Whole meeting.

JP Adams stated that the Transportation Committee did not meet this month, but he would like to go ahead and announce that a Transportation Committee meeting will be held on Tuesday, September 1, 2015 at 6 p.m., because he may have to leave tonight before the meeting concludes. He said the agenda would deal with consideration of the ordinances concerning roads and bridges, and capital outlay for vehicles.

JP Leadabrand asked if any Finance Committee meetings have been scheduled for September yet.

JP Allen said that the regular Finance Committee meeting is scheduled for September 3, 2015, but he does not yet know when the special Finance Committee meeting to discuss the courthouse facility will be held.

PUBLIC COMMENTS:

None

OLD BUSINESS:

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Adams.

A roll call vote recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Motion passed.

NEW BUSINESS:

- (A) Proposed Resolution Authorizing Oklahoma District Judge James D. Bland to Solemnize the Marriage of Lane Brenner to Jessica Ragsdale on October 2, 2015 in Lowell, Arkansas; Sponsor: JP Mary L. Slinkard

County Attorney George Spence read the proposed resolution by title only.

JP Slinkard made motion to adopt, seconded by JP Jones.

JP Meyers made a motion to amend the language to “wishes to be married by” in the resolution, seconded by JP Moore.

Motion to amend, passed by voice vote.

There being no further discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,

Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Resolution duly adopted and assigned **No. R-2015-28.**

- (B) First Reading of Proposed Ordinance Directing the Disposition of Firearms Forfeited to the Sheriff; Sponsor: JP Brent Meyers

County Attorney George Spence read the proposed ordinance by title only.

JP Meyers made motion to adopt, seconded by J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

First reading passed.

JP Moore made motion to suspend the rules and place the proposed ordinance on second reading, seconded by JP Meyers.

JP Leadabrand inquired as to why this is necessary. JP Meyers explained that the proposed ordinance brings in money to the Sheriff's Department and the money is needed as soon as possible to enhance the ammunition fund.

There being no further discussion, a roll call vote was recorded as follows:

13 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Slinkard, Moore, Meyers, Moehring
2 Nays: Chiocco, Leadabrand

Rules suspended.

County Attorney George Spence read the proposed ordinance by title only.

JP Meyers made motion to adopt, seconded by JP J. Harrison

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Moore, Meyers, Moehring
1 Nay: Leadabrand

Second reading passed.

JP Meyers made motion to suspend the rules and place the proposed ordinance on third and final reading, seconded by JP J. Harrison.

Motion passed by voice vote:

12 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Moore, Meyers, Moehring
3 Nays: Chiocco, Slinkard, Leadabrand

Rules suspended.

County Attorney George Spence read the proposed ordinance by title only.

JP Meyers made motion to approve the proposed ordinance on its third and final reading, JP Sandlin seconded.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Moore, Meyers, Moehring
1 Nay: Leadabrand

Ordinance duly adopted on third and final reading and assigned **No. O-2015-39.**

(C) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2014-84 (**2015** Benton County Budget) to Appropriate Additional Monies and
Authorize Additional Expenditures in Department 0400, Sheriff, Fund 1000; Sponsor: JP
Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP K. Harrison.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-40.**

(D) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2014-84 (**2015** Benton County Budget), to Amend *Schedule 1-Revenues by Fund*
and to Appropriate Additional Expenditures in Department 0480, Juvenile Detention
Alternatives Initiative (JDAI) Travel Grant, Fund 1000; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-41.**

(E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 4000, Department 0108, Non-Department Maintenance; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

JP Leadabrand requested clarification on the figures.

There being no further discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-42.**

(F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Transfer Funds in Department 0500, Emergency Services, Fund 3601; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP J. Harrison.

There being no further discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-43.**

(G) Proposed Appropriation Ordinance Amending Appropriation Ordinance

No. O-2014-84 (**2015** Benton County Budget) to Transfer Funds and Create a Line Item to be Named “Vehicles” and Numbered 4005, in Department 0105, Assessor, Fund 1802, and Authorize Additional Expenditures Therein; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no further discussion, a roll call vote was recorded as follows.

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-44**.

(H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0301, Ambulance Service, EMS County Levy, Fund 3021; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

JP Moehring stated that he agrees that the county is obligated to provide ambulance service to the unincorporated areas of the county; however, he is concerned that this is the first step toward a county-operated ambulance service, which he has opposed since the beginning.

JP Anglin stated that she is not in favor of a county run ambulance service, but she does not believe there is any other alternative so she will support this appropriation ordinance.

JP Meyers said that he is concerned that the people in his district will not have ambulance service if the court does not pass this ordinance, and he too believes there is no better alternative at this time.

JP Slinkard inquired as to, once this appropriation ordinance is approved, the time limit on receiving a prepared vehicle, where it will be housed and the time limit on determining who is going to run the ambulance.

Benton County Fire Marshal Marc Trollinger stated that the ambulance would be available at the first of the year. He said that part of this funding would be used to remodel the Hickory Creek Fire Station to house the ambulance and personnel needed to run the service. As far as the time limit is concerned, he stated that they are running out of time and need to make a decision quickly.

JP Allen stated that the bottom line is that this is a lot of money for a few people, but those people's lives matter, and he believes we must have an ambulance to serve those people. He said he supports this appropriation ordinance because it is currently the best option.

JP K. Harrison reiterated that they are dealing with people's lives and a decision must be made. He said that sometimes government has to make hard decisions, even if they do not necessarily like it, because a price cannot be placed on the human lives that may be affected if this appropriation ordinance does not pass. He said he feels this is one of those situations and supports the appropriation ordinance.

JP Moore stated that he does not like the cost, but he likes that the county is not getting into the ambulance business, since they are providing both the ambulance and the place for it to be housed, but the personnel will be contracted out.

JP Allen said that a revision is needed on the currently drafted appropriation ordinance.

Brenda Guenther stated that in order to cover the funds to purchase these items, a transfer from the General Fund to the EMS Fund will have to be done first, and this needs to be added to the appropriation ordinance.

JP Allen made a motion to amend the appropriation ordinance, seconded by JP Jones.

Motion to amend passed by voice vote.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas:	Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers
1 Nay:	Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-45**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) to Transfer Funds in Department 0100, NEBCO Rural Services Grant & Pleasure Heights GIF Grant, Funds 3603 & 3610; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that there is a correction necessary to change the wording in the proposed appropriation ordinance to '2014 Benton County Budget' and that the ordinance number needs to be changed to 'O-2013-83.'

JP Allen made motion to adopt the amended appropriation ordinance, seconded by JP Jones.

There being no further discussion, a roll call vote was recorded as follows:

15 Yeas:	Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
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Appropriation Ordinance duly adopted and assigned **No. O-2015-46**.

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2014-84 (**2015** Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0200, Road Department, Fund 2000; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas:	Easley, Shadlow, J. Harrison, Allen, K. Harrison, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent:	Adams

Appropriation Ordinance duly adopted and assigned **No. O-2015-47**.

OTHER BUSINESS:

None

ANNOUNCEMENTS:

Judge Clinard announced that they have received the final drawings on the BCRO parking lot design and the City of Rogers has signed off on it. Judge Clinard, John Sudduth, and the County Road Department are going to work on putting a construction plan together to get started on that project.

JP Adams expressed thanks to the Road Department for doing a good job.

Administrator of Public Safety Marshal Watson briefly commented on the discussion concerning the timeline of the ambulance service and the need for the county to make a decision. He said he is concerned that he and his staff will not be able to get an EMS service up and running by January 1, 2016. He also stated that he would like to remind the court that this is a sensitive issue when it comes to the timeline of deciding whether the county should operate the ambulance or contract with Mercy to do it.

JP Allen stated that he thought they had already decided on Mercy for the provider and asked for an updated status on this decision. Marshal Watson provided a brief update. JP Allen asked Judge Clinard to bring this to the next Finance Committee Meeting so that they can move it forward. Judge Clinard stated that he would

JP Leadabrand asked if there is a proposed contract. Judge Clinard said that they cannot do a contract until it is approved by the court, but that they can have a special meeting to get it taken care of all at once if they need to. He does not think they will have to have a special meeting; it can be done at the next meeting but it will definitely need to be done at the next meeting.

JP Moore asked about the process needed to get this done as quickly as possible.

Discussion followed, and it was determined that the court needs to adopt a resolution stating its intent to the Budget Committee that the contract amount be included in the 2016 budget.

ADJOURNMENT:

JP Meyers made a motion to adjourn.

Meeting adjourned at 7:10pm.

Respectfully submitted,

Benton County Quorum Court
Minutes
August 27, 2015

Tena O'Brien
County Clerk

Prepared by Stefanie Laputz